

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT, E.D.N.Y.

★ SEP 15 2006 ★

BROOKLYN OFFICE

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RA AJA: EL ATO a/k/a ROHAN JOHNSON

Petitioner,

JUDGMENT
OF DISMISSAL
02-CV-04599

-against-

(JBW)

BEDNOSKY,
Warden of the Suffolk County Jail

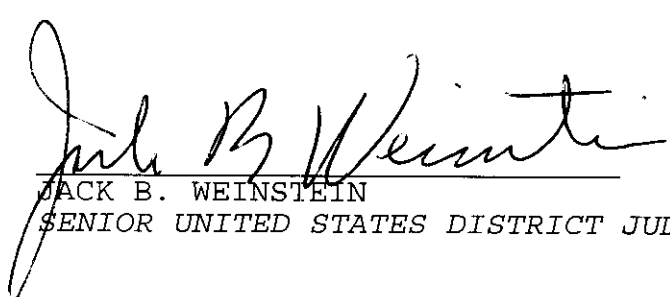
Respondent.

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JACK B. WEINSTEIN, *Senior District Judge:*

Petitioner moves to reopen his habeas corpus case. See docket sheet, 31-33. Respondent opposes and seeks dismissal on the ground that petitioner is not in custody. *Id.* 34. The petition had previously been dismissed for failure to prosecute. *Id.* 20.

Since petitioner is no longer in custody of a state official, the petition is dismissed. *Cf. Harvey v. People of the City of New York*, 435 F. Supp. 2d 175 (E.D.N.Y. 2006). A certificate of appealability is denied since no constitutional question is raised.

SO ORDERED.


JACK B. WEINSTEIN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
September 3, 2006

